

she faces in Anne Arundel County, Maryland. *Id.* at 1. The defendant does not specify how she intends to resolve those charges, *i.e.*, whether by pleading guilty or by trial. Nor does she provide any assurance that the matter will be “resolved” on the currently scheduled court date of May 14, 2020, especially given the delays she described in the state court system due to the impact of COVID-19. In addition, the defendant speculates that a failure to grant an extension of her reporting date will lead to a series of events that could affect her chances of getting into “beneficial programs while incarcerated.” *Id.* at 2.

4. The government is opposed to granting the motion for any of the reasons set forth by the defendant, including for the purpose of synchronizing the commencement of her federal sentence with the vagaries of the state court system. However, in keeping with recent Department of Justice guidance on the impact that COVID-19 may have on the federal prison population, the government is not opposed to a 60-day extension of the defendant’s reporting date to FCI Aliceville. Such a delay is consistent with Department of Justice recommendations and the proactive steps it is taking in coordination with federal courts to mitigate the spread of the virus. Minimizing the potential introduction of the virus into the prison setting can be achieved by limiting the movement of defendants who have been ordered to self-report to a BOP facility and do not represent a risk of flight or a risk to public safety. The defendant is in this category.

5. The government is opposed to granting the motion so the defendant can “petition the BOP to change her designation to [FCI Aliceville].” (ECF 42 at 2) During the sentencing hearing, when the Court agreed to recommend FCI Alderson, it made it very clear that it was just a recommendation, because only the BOP is statutorily authorized to designate where the defendant will begin serving her sentence. To the extent that the defendant can petition the BOP

to reconsider the designation, it should not be the basis for granting this motion or any future motion to delay the commencement of her sentence.

WHEREFORE, consistent with Department of Justice guidance to minimize introduction of COVID-19 into the federal prison system, the government is not opposed a 60-day extension of time by which the defendant must self-report to FCI Aliceville.

Respectfully submitted,

Robert K. Hur
United States Attorney

By: _____/s/_____
Martin J. Clarke
Leo J. Wise
Assistant United States Attorneys
Office of the United States Attorney
District of Maryland

CERTIFICATE OF SERVICE

This is to certify that on this 9th day of April 2020, a copy of the foregoing *Government's Response to Defendant's Second Motion to Extend Reporting Date* was electronically filed and made available to counsel of record.

_____/s/_____
Martin J. Clarke
Assistant United States Attorney